REMARKS

Applicants wish to thank the Examiners for the courtesies extended to the undersigned during the telephone interview. An Interview Summary accompanies this response.

Claim 27 stands rejected under 35 USC 112, second paragraph, for indefiniteness. Claims 1, 4, 6-7, and 24-25 stand rejected under 35 USC 103(a) for obviousness over U.S. Patent No. 6,108,099 to Ohtani in view of U.S. Patent No. 5,805,446 to Hatakeyama et al. Claims 8, 11-12, 14-15, 17, 19, 22, 27 and 29-31 stand rejected under 35 USC 103(a) for obviousness over Ohtani in view of U.S. Patent No. 6,430,711 to Sekizawa. Claims 23, 28, and 32-33 stand rejected under 35 USC 103(a) for obviousness over Ohtani in view of Hatakeyama and further in view of Sekizawa. Claim 8 stands rejected under 35 USC 103(a) for obviousness over Ohtani in view of Sekizawa and further in view of Hatakeyama. Claim 3 stands rejected under 35 USC 103(a) for obviousness over Ohtani in view of Hatakeyama and further in view of U.S. Patent No. 6,272,472 to Danneels et al. Claims 2 and 5 stand rejected under 35 USC 103(a) for obviousness over Ohtani in view of Hatakeyama and further in view of U.S. Patent No. 6,625,581 to Perkowski. Claims 9-10, 13, 16, 18 and 20 stand rejected under 35 USC 103(a) for obviousness over Ohtani in view of Sekizawa and further in view of U.S. Patent No. 6,625,581 to Perkowski.

Applicants respectfully traverse the rejections and urge allowance of the present application.

The Action alleges on page 2 that claim 27 is indefinite. The undersigned and the Examiners discussed the alleged indefiniteness during the interview and it was agreed that claim 27 is definite and that the rejection would be withdrawn. Applicants respectfully request withdrawal of the indefiniteness rejection in the next Action.

Referring to independent claim 1, the method recites *determining a geographical area within which the hard copy output engine is to be deployed* and *determining an electronic address for a consumables supplier appropriate to the geographical area*. Applicants respectfully submit that the limitations are not taught nor suggested by the prior art and claim 27 is allowable for at least this reason.

During the interview, the Office indicated that the 103 rejection of claim 1

appeared to be inappropriate and that claim 1 was anticipated by Ohtani. Applicants respectfully disagree with a rejection of claim 1 over Ohtani for at least the following reasons.

More specifically, the Office indicated during the interview that Ohtani discloses programming email addresses for countries (e.g., the "jp" indicative of Japan in the email addresses of Fig. 4) disclosing the limitations of claim 1. However, Applicants submit, the email addresses including country code designations (e.g., jp) merely pertain to situations wherein the address of the target country of the recipient is different from the country of the sender of the email. Applicants submit herewith a technical definition of "country code" with respect to email addresses from Newton's Telecom Dictionary which states that country codes are used when the e-mail sender and recipient are in different countries. Accordingly, in the embodiments of Ohtani, the indication of "jp" indicates that the target country is different from the sender country. Applicants respectfully submit that the communications of email from a sender to a recipient in different countries fails to teach or suggest determining a geographical area within which the engine is to be deployed or determining the electronic address for a communications supplier appropriate to the geographical area as claimed. According to the above-identified definition, Applicants submit that the identification of an email address in a *different country* may not be fairly interpreted to teach or suggest *determining the electronic address for the consumables supplier appropriate to the geographical area* as claimed. Applicants submit the teachings of Ohtani of the sender and recipient being in different countries is the opposite to the claimed method and show no relationship of the geographical area in which the engine is to be deployed and a supplier appropriate to the geographical area. Applicants submit that claim 1 recites patentable subject matter over Ohtani.

Referring to the 103 rejection of claim 1, Applicants noted during the interview that the present Action presents a fifth non-final 103 rejection of claim 1. The Applicants indicated that the Office has failed to present a prima facie rejection of claim 1. For example, Applicants submit that the Office has failed to present proper motivation for combining the reference teachings. On page 4 of the Action, it is stated that the combination is appropriate to provide an accurate location of an area where setup and expansion is need and evaluated. Applicants submit that the

motivation is insufficient according to *In re Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002). The motivation identified in the Office Action is akin to the conclusory statements set forth in *In re Lee* which were found to fail to provide the requisite motivation to support an obviousness rejection. The Court in *In re Lee* stated the factual inquiry whether to combine references must be *thorough and searching*. It must be based *on **objective** evidence of record*. The Court in *In re Fritch*, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992) stated motivation is provided only by showing some *objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art* would lead that individual to combine the relevant teachings of the references. The *Lee* Court stated that the Examiner's *conclusory statements* in the *Lee* case do not adequately address the issue of motivation to combine. The Court additionally stated that the factual question of motivation is material to patentability and ***can not be resolved on subjective belief and unknown authority. The Court also stated that deficiencies of cited references cannot be remedied by general conclusions about what is basic knowledge or common sense. The Court further stated that the determination of patentability must be based on evidence.***

In the instant case, ***the record is entirely devoid of any evidence to support motivation to combine the teachings apart from the bald conclusory statements of the Examiner which are insufficient for proper motivation*** as set forth by the Federal Circuit. The Office cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims but must set forth objective rationale on which it relied.

Further, Applicants submit that Hatakeyama is directed towards non-analogous subject matter. More specifically, the reference is directed towards location of public facilities, disaster provisions, chain stores and others so as to reduce access times required by users to access the facilities to a permissible range per col. 1, lines 3-10. Non-analogous art areas cannot properly be combined for an obviousness rejection where the problems addressed by each are non-analogous from one another. *In re Deminski*, 230 USPQ 313, 315 (Fed. Cir. 1986.) A field of art is analogous *only* if one seeking the solution in one art area would be likely to seek the solution by referring to the other art. *Shatterproof Glass Corp. v. Libbey-Owens Ford Co.*, 225 USPQ 634 (Fed. Cir. 1985). Applicants submit that one

concerned with imaging devices would not look to a reference concerned with locating public facilities, disaster provisions, or chain stores. There are no issues or problems of locating devices in Ohtani and one would not look to other references which address problems which are not of concern to Ohtani. The 103 rejection is improper for these additional reasons.

For at least the above-compelling reasons, Applicants respectfully submit that the prior art rejection of claim 1 is improper and Applicants respectfully request allowance of claim 1.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to dependent claim 24, the undersigned and the Examiners discussed the claim limitations reciting the determinings and programming prior to deployment in an end user environment. Ohtani discloses providing an email address of a responsible official and accordingly, such could not be programmed until the unit is deployed and the identity and address of the official is known. The Office indicated that claim 24 appeared to recite allowable subject matter and Applicants respectfully request allowance of claim 24 in the next Action.

Referring to independent claim 8, the method recites ***directly communicating*** *with the vendor from the hard copy output engine*. Ohtani at cols. 5-6 clearly discloses an Official who receives email from the fax devices, checks inventory, and if appropriate can formulate an order for a consumable. The teachings of Ohtani fail to disclose or suggest the direct communicating with the vendor from the engine as claimed and Applicants respectfully submit that the rejection of claim 8 is inappropriate for at least this reason.

Further, Applicants submit for at least the reasons set forth in the previous response that the 103 rejection of claim 8 is improper. For example, there is no motivation to modify the teachings of Ohtani to remove or circumvent the operations of the official who receives the emails and places an order. The Office favorably received the position of Applicants during the telephone interview and Applicants respectfully request allowance of claim 8 in the next Action for at least

the above-mentioned reasons.

The claims which depend from independent claim 8 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, dependent claim 26 recites that the *electronic address is stored within the engine prior to* ***deployment of the engine***. Applicants submit the prior fails to disclose or suggest the prior to deployment limitations of claim 26 and the claim is allowable for at least this reason.

Dependent claim 29 recites directly sending an electronic message from the engine to the vendor ***without user intervention***. Ohtani clearly discloses the fax machines sending emails to the official who places an order if appropriate. There is no motivation to modify Ohtani to provide the direct sending without user intervention in view of the clear disclosure of Ohtani's usage and reliance upon input of the Official. These limitations were discussed during the telephone interview and Applicants' position was favorably received by the Examiners. Applicants respectfully request withdrawal of the rejection of claim 29 for at least the above compelling reasons.

Referring to independent claim 15, the system comprises processing circuitry of a computer implemented control system of a hard copy output engine configured to communicate with a supplier using an electronic address. The teachings of Ohtani are clear that the *fax machines only communicate with an official*. The official may check the backup supply and order the consumable by sending the email if appropriate as set forth in col. 6, lines 25-37. Accordingly, Ohtani is clear that the *official places the order and there is no communication of the control system with the supplier* as recited in claim 15. Claim 15 recites patentable subject matter for at least this reason.

Further, as set forth in the previous response there is no motivation to combine the teachings of Ohtani with the teachings of Sekizawa in support of a 103 rejection of claim 15. For example, there is no motivation to remove the official and his manual intervention from the ordering process of Ohtani. Claim 15 is allowable for at least the above-mentioned compelling reasons.

The claims which depend from independent claim 15 are in condition for

allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to individual ones of claims 27, 30, 31, there is no teaching or suggestion of the storage of the data prior to deployment of the engine in an end user environment, communication without user intervention, or communication directly to the supplier as recited in respective ones of the claims. Claims 27, 30, and 31 are allowable for at least these additional reasons.

Referring to claim 23, Applicants respectfully submit that the inclusion of the country code in the email is indicative of communications of entities in different countries and does not teach or suggest determining a geographical area within which an engine will be deployed as recited in claim 23. Further, the communications across different countries as indicated by the usage of the country code fails to disclose or suggest determining the electronic address for the consumables supplier appropriate to the geographical area. In addition, Applicants respectfully submit that the *proactively initiating communication with the consumables supplier from the engine* is not taught nor suggested by the Ohtani teachings of the fax devices *only* communicating with the official. Applicants respectfully submit that Ohtani does not implement any communications from the engine with the supplier as claimed.

There is no motivation to modify Ohtani in a 103 rejection inasmuch as Ohtani is clear that the fax machines only communicate with the official and not a supplier and there is no motivation to modify Ohtani contrary to the teachings of Ohtani. In addition, Hatakeyama is non-analogous art and the 103 rejection is improper for this additional reason.

The claims which depend from independent claim 23 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claims 28, 32, 33, there is no teaching or suggestion of the determining or the storing prior to deployment of the engine in an end user environment, communication without user intervention, or communicating directly with the supplier as recited in respective ones of the claims. Claims 28, 32, and 33

are allowable for at least these additional reasons.

The amendments made herein now more positively express limitations which were previously inherent in such claim(s), and accordingly are not for the purpose of narrowing and do not effectively narrow the scope of any claim.

If any claim is not allowed in the next Action, Applicants respectfully request the issuance of a non-final Action pursuant to the interview so Applicants may appropriately respond during the prosecution of the present application.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Mark A. Harper
Robert E. Haines

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reference to Advanced Intelligent Network.

Corresponding Entities Peer entities with a lower layer connection among them.

Corridor Service A term that Bell Atlantic is using for calls to and from the New York City area to and from Northern New Jersey, or between Philadelphia and Southern New Jersey.

Corrosion The destruction of the surface of a metal by chemical reaction.

COS 1. See Class of Service.

2. Compatible for Open Systems.

3. Corporation for Open Systems international. A Federal Government blessed organization which aims towards standardizing OSI and ISDN. COS members include everyone from end-users to manufacturers. COS deals with private and public networking issues.

COSINE Cooperation for Open Systems Interconnection Networking in Europe. A program sponsored by the European Commission aimed at using OSI to tie together European research networks.

Cosmic Rays Atomic nuclei (mostly protons) and electrons that are observed to strike the Earth's atmosphere with exceedingly high energy.

CoSN Consortium for School Networking A non-profit organization that promotes the use of telecommunications in Kindergarten to 12th grade education to improve learning. Members represent state and local education agencies, as well as hardware and software vendors, Internet Service Providers (ISPs) and interested individuals. www.cosn.org.

COSName Identifies class of service SNA.

Cost Component The price of each element of telecommunications service and/or equipment that comprises a configuration.

Cost Of Service Pricing A procedure, rationale or methodology for pricing services strictly on the basis of the cost to provide those services.

Cost per Phone Hour A call center term. Basic unit of resource measurement. Total costs (fixed, variable and semi-variable) divided by the number of workstation call hours that are projected or actually achieved.

COT 1. Continuity Check Message. The second of the ISUP call set-up messages. Indicates success or failure of continuity check if one is needed. See ISUP and Common Channel Signaling.

2. Central Office Terminal or Termination. The termination of a local loop facility at the central office. See Digital Loop Carrier.

3. Customer Originated Trace. A CLASS (Custom Local Area Signaling Services) feature that allows the customer (e.g., you) to originate a trace to track harassing callers. When you get a nuisance call, you depress the switchhook and release it quickly. Then you listen for a special stuttered dial tone. You then depress *57 on your touchtone dial pad, or dial 1157 on your rotary phone. If the last call has been successfully traced, you'll hear an announcement. The results of the successful trace are recorded by the telephone company, and are released only to law enforcement agencies, after you have signed an authorization. Your telephone company may charge you for this service, and the charge may be as high as $100. See also CLASS.

Coterminated Plant Plant which has an assumed retirement dependent upon the retirement of some other item of equipment or building, etc. A telephone company term.

COTS 1. COnnection Transport Service.

2. Commercial Off The Shelf.

Couch Commando A couch potato who insists on taking charge of what he and the rest of the couch potatoes are watching on the TV.

Couch Potato A person who spends their life sitting on a couch surfing TV channels with a remote control TV device. See Mouse Potato.

Coulomb The quantity of electricity transferred by a current of one ampere in one second. One unit of quantity in measuring electricity.

Council of Registrars CORE. An organization charged with the responsibility for development, implementation, and maintenance of a set of new Top Level Domains (TLDs) for the Internet. See CORE for a longer explanation.

Counter-rotating An arrangement whereby two signal paths, one in each direction, exist in a ring topology.

An arrangement whereby two signal paths, one in each direction, exist in a ring topology. See Counter Rotating Ring.

Counter Rotating Ring An arrangement whereby two signal paths, the directions of which are opposite, exist in a physical ring topology. Such rings typically are described as "Dual Counter Rotating Rings," such as described in SONET and FDDI standards. In such a physical configuration, one or more transmission paths operate in a clockwise manner, while one or more other paths operate counter-clockwise, or anti-clockwise. Should the primary path suffer catastrophic failure, the secondary path comes on line. It does this to ensure virtually uninterrupted communications. See also FDDI and SONET.

Counterpoise A system of electrical conductors used to complete the antenna system in place of the usual ground connection.

Country Code 1. The one, two or three digit number that, in the world numbering plan, identifies each country or integrated numbering plan in the world. In short, the one, two or three digits that precede the national number in an international phone call. This code is assigned in and taken from Recommendation E.163 (Numbering Plan for International Service) adopted by the ITU-T. There's a list of country codes and key country area codes in the Appendix at the back of this book. See also www.the-acr.com and www.sprint.com/ssi/intl_codes.html.

2. In international record carrier transmissions, the country code is a two or three alpha or numeric abbreviation of the country name following the geographical place name.

3. A two-character alphabetic code suffixed to a URL (Uniform Resource Locator) for use in communications over the Internet and WWW (World Wide Web). The country code is a portion of the Top Level Domain (TLD), and is used when the domain of the target country differs from that of the country of origin of the transmission. For example, if you send an e-mail from the U.S. to South Africa, the e-mail address would be in the format "user@userorganization.entity.za." Example country codes include .au for Australia, .jp for Japan, .sw for Sweden, .us for United States, and .za for South Africa.

County For the purposes of the FCC's cable television rules, this term includes:

- Borough (in Alaska).
- District (in District of Columbia).
- Independent City (in Alaska, Maryland, Missouri, Nevada, and Virginia).
- Municipio (in Puerto Rico).
- Parish (in Louisiana).

Coupled Modes 1. In fiber optics, a condition wherein energy is transferred among modes. The energy share of each mode does not differ after the equilibrium length has been reached.

2. In microwave transmission, a condition where energy is transferred from the fundamental mode to higher order modes. Energy transferred to coupled modes is undesirable in usual microwave transmission in a waveguide. The frequency is kept low enough so that propagation in the waveguide is only in the fundamental mode.

Coupler An optical device that combines or splits power from optical fibers.

Coupling Any means by which energy is transferred from one conductive or dielectric medium (e.g., optical waveguide) to another, including fortuitous occurrences. Types of electrical coupling include capacitive (electrostatic) coupling, inductive coupling, and conductive (hard wire) coupling. Coupling may occur between optical fibers unless specific action is taken to prevent it. Coupling between fibers is very effectively prevented by the polymer overcoat, which also prevents the propagation of cladding modes, and provides some degree of physical protection. See also Inductive Coupling.

Coupling Loss The power loss suffered when coupling light from one optical device to another.

Coupon From Britain: A tear-off slip to encourage response to advertisements or to a promotion on packaging. The information is keyed into a telebusiness system which automatically handles the follow-up. This may be a phone call, acknowledgement letter, brochure, distribution of a lead to a distributor and so on.

Courriel A dumb French word for email. The word came because the French government, in its infinite wisdom, did not like the use of email, which it regarded as a bad American word.

Courseware A combination of Web pages, E-mail, threaded discussions, chat rooms, listservs and distance learning tools used to provide online educational services or supplement regular classroom instruction.

COV Control Over Voice. Mitel's proprietary signaling protocol which they use between their PBX and their proprietary analog phones.

Cover Page The first page of a fax message. It generally includes a header, typically the sender company's logo; the recipient's name and fax telephone number; the sender's fax and voice telephone numbers; the system's date and time; a message; a footer.

Coverage The percent of completeness with which a metal braid covers the underlying surface.